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Crl.O.P.No.20553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.20553 of 2024
and Crl.M.P.No.11844 of 2024

1.Abdul Jaffar
2.Amrun Faris

... Petitioners

Vs.

1.The state Rep.by
The Inspector of Police,
Mandharkuppam Police Station,
Cuddalore District. (Crime No.325 of 2021)

2.N.Ibrahim

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Criminal Procedure Code, pleaded to call for the records relating to the C.C.No.166 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Neyveli and quash the same.

For Petitioners : Mr.S.Angamuthu

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the final report laid against this petitioner for the offences under Sections 294(b), 323, 324 & 506(ii) IPC.



2. The learned counsel appearing for the petitioner submits that

the police has not properly investigated the matter and has filed truncated final report for offence under Sections 323 & 324 IPC even without medical report to substantiate that the defacto complainant sustained hurt. Further, the learned counsel also submits that the quarrel between neighbours regarding return of money has led to altercation and now the defacto complainant is ready to compromise the issue.

3. This Court is of the view that on the face of the record, the final report and the documents relied by the prosecution is sufficient to proceed against the petitioner for offence under Sections 294(b), 323, 324 & 506(ii) IPC. However, the defacto complainant and the petitioner want to settle the dispute. The petitioner has two options (i) case can be compounded if the offences are compoundable (ii) he may file an application for plea bargain. If any application is filed for plea bargaining, the Judicial Magistrate should follow the procedure contemplated under the Code and dispose of it in accordance with law. As far as the petition under Section 528 of BNSS to quash the final report, this Court hold that it is not sustainable. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal



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Miscellaneous Petition is closed.

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Neutral Citation : Yes/No
rpl

To

1.The District Munsif cum Judicial Magistrate, Neyveli.

2.The Inspector of Police,
Mandharkuppam Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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